



## POLICY Rx: Help Protect Confidentiality for Insured Dependents 2019

### The Issue

The passage of the Affordable Care Act (ACA) allowed children to be covered as dependents under their parents' health insurance until age [26](#). The act also helped to increase opportunity for coverage of other dependents. However, concerns remain regarding the disclosure of sensitive health services to other family members or partners with whom dependents share insurance. Current state and federal laws combined with private sector insurance billing and notification practices create significant barriers to protecting the [privacy](#) of insured dependents. For example, when insurance companies send Explanation of Benefits ([EOBs](#)) to an insurance policyholder that provides notice about medical care received by an insured dependent, this can represent a significant breach of privacy for the insured dependent who sought medical care, especially in cases where the insured dependent has accessed more sensitive health care services such as mental or reproductive health care.

Because of the Affordable Care Act, 6.1 million American [young adults](#) (aged 19-25) have gained insurance coverage. Young adults on their parents' policies are less [likely to access](#) needed care if they know that such care will not be confidential. Protecting confidentiality is also a concern in abusive households or relationships, as insured dependents who access care could be subject to threats or further abuse if the nature of the medical services that they received were revealed. This is true for [both](#) young people who are insured through their parents and adults who are insured through their spouse or partner.

### Why is Ensuring Patient Confidentiality Important to Women?

- Meaningful access to confidential family planning services, mental health services, treatment for substance abuse disorders, domestic violence counseling, and other potentially sensitive health services is important for the overall health and wellbeing of women and girls. Many women and girls [forego such care due to confidentiality concerns](#).
- Many women rely on their partners for health insurance coverage. [Nationally, 1 out of 3 of women experience intimate partner violence](#). In many such scenarios, the disclosure of sensitive health services sought by victims from an Explanations of Benefits form or other the health insurance communications can place the victim at risk of further harm.
- When patients forego necessary care, there is a [strong possibility](#) of adverse health outcomes, many of which could have long-term consequences. Protecting insured dependent confidentiality is imperative to the short- and long-term health and wellbeing of women and girls.



# Wisconsin Alliance for Women's Health

## What Wisconsin Can Do

Several states have passed or introduced legislation to protect privacy for insured dependents, including [Maryland](#), Illinois, and [Massachusetts](#). These proposals include provisions that limit when a summary of payments or an EOB can be sent out to policyholders and prohibit summary of payments forms from being sent out if the insured has no remaining financial obligation for the services received.

The Massachusetts law specifically allows insured dependents to elect where and how they would like summary of payments forms to be sent and to request that summary of payments forms not be distributed at all. The law prohibits insurance carriers from divulging the nature of sensitive health services--such as contraception, testing and treatment for sexually transmitted infections (STI's), mental health services, domestic violence counseling, pregnancy-related care, and counseling for alcohol and other drug abuse--on summary of payments or EOB forms.

Wisconsin should follow the lead of other states and pass legislation that would better protect insured dependents' privacy. Wisconsin should adopt legislation that would do the following:

- Mandate that patients are offered forms to request an alternate address for insurance communications that must be honored by insurance companies
- Mandate that no EOB form be sent out to insurance policyholders detailing the nature of services that their dependent received if there is no remaining financial obligation unless requested by the insured dependent
- Notify each dependent of services available that are not subject to cost-sharing
- Implement a training program to educate insurers and health care professionals on the requirements proposed by the bill

## How Can I Help Make Ensuring Confidentiality for Insured Dependents a Reality in Wisconsin?

There are a variety of ways that you could help to ensure confidentiality for all insured dependents in Wisconsin.

- Call or email your [state legislators](#) to urge them to support the patient confidentiality bill when it is introduced
- Connect with organizations in Wisconsin already working to protect patient confidentiality:
  - [Wisconsin Alliance for Women's Health](#)

### Resources:

- [The University of California San Francisco Patient Confidentiality Policy Brief](#)
- [The Guttmacher Institute's Report on Patient Confidentiality](#)
- [Advocates for Youth: Youth Confidentiality in the Affordable Care Act](#)